

### **REMARKS**

Claims 6 and 14-27 are cancelled without prejudice to their later prosecution in this or another application.

Applicant has amended herein claims 1-5 and 7-13. Applicant has added new claims 28-43. New claims 28-43 add further limitations within the scope of claim 1 and are fully supported at least, for example, by originally filed claims. Since the amendments are reasonably conveyed by the specification and original claims, there is no issue of new matter.

Upon entry of this amendment, Claims 1-5, 7-13 and 28-43 are pending.

### **Election/Restriction**

Applicant thanks the Examiner for acknowledging the election without traverse of Group I, claims 1-13.

### **Information Disclosure Statement**

The Examiner has reminded the Applicant to bring the most relevant references from an exhaustive list to the Office's attention, as suggested by M.P.E.P. § 2004. As an initial matter, Applicant notes that M.P.E.P. § 2004 merely sets out a list of suggestions, not requirements, for complying with the duty of disclosure. Furthermore, it appears the Office has already considered most, if not all of the listed references.

However, for the Office's convenience, Applicant has submitted herewith a supplemental IDS which includes those references that have not previously been considered by the Office and that Applicant considers relevant to the currently pending claims.

### **Rejections under 35 U.S.C. §112**

Claims 1-3, and 13 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for making and using compounds of Formula I wherein R<sup>5</sup> is benzyl and R<sup>6</sup> is an optionally substituted benzoyl or optionally substituted benzyl,

allegedly does not reasonably provide enablement for making and using compounds of Formula I wherein R<sup>5</sup> and R<sup>6</sup> represent other moieties. Applicant respectfully traverses this rejection.

Applicant notes that the currently pending claims are limited to compounds where R<sup>5</sup> is benzyl or substituted benzyl, and R<sup>6</sup> is an optionally substituted benzoyl, or optionally substituted benzyl.

The Office has indicated that the claims are only enabled for compounds where R<sup>5</sup> is unsubstituted benzyl. However, Applicant believes that the pending claims are also enabled at least for compounds of Formula I where R<sup>5</sup> is substituted benzyl. More specifically, the specification discloses the preparation of specific compounds where R<sup>5</sup> is benzyl. Given that disclosure and the knowledge of one skilled in the art, replacing benzyl amine with a substituted benzyl amine in the synthetic procedure listed in paragraphs [0115], [0119] and [0120] would take little experimentation. Further, one of skill in the art would also readily appreciate that compounds having a substituted benzyl group could be used in a manner similar to that described for the unsubstituted benzyl compounds.

Applicant therefore maintains that the specification provides sufficient guidance to enable one of ordinary skill in the art to practice the invention without undue experimentation. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

#### **Claim Objections**

Claims 4-12 are objected to as being dependent on a rejected base claim, i.e. Claims 1-3. Claim 4 is now presented in independent form. Claim 5 is dependent on claim 4. As such, Applicant requests the objection of claim 4 and 5 be withdrawn.

**CONCLUSION**


In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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